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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,)
13)
14 Plaintiff,)
15 v.)
16 YE TENG WEN,)
17 aka Michael Wen, and)
18 HAO HE,)
19 aka Kevin He,)
20 Defendants.)

No. CR 05-00641-RMW

STIPULATION AND ORDER
CONTINUING STATUS CONFERENCE
AND EXCLUDING TIME

21 The United States of America, by and through Assistant U.S. Attorneys Mark L.
22 Krotoski, and Matthew A. Lamberti, and defendant Ye Teng Wen, by and through defense
23 counsel Vicki Young, and defendant Hao He, by and through defense counsel Richard Pointer,
24 hereby AGREE AND STIPULATE to continue the status conference set for February 13, 2006 at
25 9:00 a.m. to February 27, 2006 at 9:00 a.m. The parties further AGREE AND STIPULATE that
26 time should be excluded from February 13, 2006 to February 27, 2006, for continuity of counsel
27 and to provide counsel reasonable time to prepare, pursuant to the Speedy Trial Act, 18 U.S.C. §

28 STIPULATION AND ORDER CONTINUING STATUS CONFERENCE AND EXCLUDING TIME
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3161(h)(8)(A) and (B)(iv). In particular, in this copyright infringement case, the discovery already provided and made available involves numerous recorded conversations and boxes of seized materials and documents requiring extensive review. The defense counsel need additional time to listen to the recorded conversations and review other evidence. The parties are also discussing possible resolution in this case and need time to address sentencing valuation issues. Accordingly, the United States and the defendants agree that granting the requested exclusion of time under the Speedy Trial Act will serve the interests of justice and outweigh the interests of the public and defendant in a speedy trial.

DATED: February __, 2006

KEVIN V. RYAN
United States Attorney

MARK L. KROTOSKI
MATTHEW A. LAMBERTI
Assistant U.S. Attorney

DATED: February __, 2006

VICKI YOUNG
Counsel for Defendant Ye Teng Wen

DATED: February __, 2006

RICHARD POINTER
Counsel for Defendant Hao He

ORDER

In light of the parties' agreement to exclude time, and based upon the demonstrated need for excludable time set forth above, IT IS HEREBY ORDERED THAT: (1) the status conference set for February 13, 2006 at 9:00 a.m. is continued to February 27, 2006 at 9:00 a.m.; and (2) the period from February 13, 2006 through and including February 27, 2006, shall be excluded from all Speedy Trial Act calculations pursuant to 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: February 8, 2006

/S/ RONALD M. WHYTE
HON. RONALD M. WHYTE
United States District Court Judge